

BEST AVAILABLE COPY

12/21/2005 WED 10:21 FAX 502 561 0442 Middleton Reutlinger 24

4009/010

Attorney Docket No.: ZL076/04010
Inventor: Kuhl et al.
Appl. No.: 10/654,169

PROVISIONAL ELECTION OF SPECIES WITH TRAVERSE under MPEP § 818.03

In response to the Examiner's restriction requirement set forth in the Office Action mailed December 1, 2005, Applicant provisionally elects, with traverse, Species I which the Examiner has designated for Claims 1-20.

REMARKS

Applicant respectfully traverses the Examiner's restriction requirement set forth in the Office Action mailed December 1, 2005. It is submitted that Species I and Species II designated by the Examiner have not been properly characterized, and that all of the Claims 1-20 and Claims 24-32 encompassed by the designated Species I and Species II are in fact directed to one or both of two differently characterized species, namely:

- a method for separating winnowings using an impact sheet, for example dependent Claims 10-14, 31 and 32
- a method for separating winnowings by adjusting the quantity, pressure or velocity of a conveying medium, for example dependent Claims 15-19

In light of Applicant's proposed more accurate characterization of these species, it will be noted that the independent Claims 1 and 24 (and dependent Claims 2-9 and 25-30) are in fact linking claims which link both of the proposed species in the manner recognized by MPEP § 809.03.

BEST AVAILABLE COPY

12/21/2005 WED 10:21 FAX 502 561 0442 Middleton Reutlinger 24

010/010

Attorney Docket No.: ZL076/04010
Inventor: Kuhl et al.
Appl. No.: 10/654,169

Under the circumstances it is submitted that Applicant is entitled to retain in this application Claims 24-32 to the non-elected species designated by the Examiner as well as Claims 1-20 of the elected species, designated by the Examiner, until such time that the allowability or nonallowability of independent linking Claims 1 and 24 and dependent Claims 29 and 25-30 have been determined, MPEP § 809.04.

Such action is respectfully requested.

DATED: December 21, 2005

Respectfully submitted,

MIDDLETON REUTLINGER



Charles I. Sherman, Reg. No. 22,998
2500 Brown & Williamson Tower
Louisville, Kentucky 40202
Direct Dial:(502)625-2745
Fax:(502)561-0442
csberman@middreut.com